

106TH CONGRESS
1ST SESSION

H. J. RES. 54

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 1999

Received; read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Granting the consent of Congress to the Missouri-Nebraska
Boundary Compact.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

1 **SECTION 1. CONGRESSIONAL CONSENT.**

2 The Congress consents to the Missouri-Nebraska
3 Boundary Compact entered into between the States of
4 Missouri and Nebraska. The compact reads substantially
5 as follows:

6 “MISSOURI-NEBRASKA BOUNDARY COMPACT

7 “ARTICLE I

8 “FINDINGS AND PURPOSES

9 “(a) The states of Missouri and Nebraska find that
10 there are actual and potential disputes, controversies,
11 criminal proceedings and litigation arising or which may
12 arise out of the location of the boundary line between the
13 states of Missouri and Nebraska; that the Missouri River
14 constituting the boundary between the states has changed
15 its course from time to time, and that the United States
16 Army Corps of Engineers has established a main channel
17 of such river for navigation and other purposes, which
18 main channel is identified on maps jointly certified by the
19 state surveyors of Missouri and Nebraska and identified
20 as the ‘Missouri-Nebraska Boundary Maps’, which maps
21 are incorporated in this act and made part of this act by
22 reference, and which maps shall be filed with the secre-
23 taries of state of Missouri and Nebraska.

24 “(b) It is the principal purpose of the states of Mis-
25 souri and Nebraska in executing the compact to establish
26 an identifiable compromise boundary between the state of

1 Missouri and the state of Nebraska for the entire distance
2 thereof as of the effective date of the compact without
3 interfering with or otherwise affecting private rights or ti-
4 tles to property, and the states of Nebraska and Missouri
5 declare that further compelling purposes of the compact
6 are—

7 “(1) to create a friendly and harmonious inter-
8 state relationship;

9 “(2) to avoid multiple exercise of sovereignty
10 and jurisdiction including matters of taxation, judi-
11 cial and police powers and exercise of administrative
12 authority;

13 “(3) to encourage settlement and disposition of
14 pending litigation and criminal proceedings and
15 avoid or minimize future disputes and litigation;

16 “(4) to promote economic and political stability;

17 “(5) to encourage the optimum mutual bene-
18 ficial use of the Missouri River, its waters and its
19 facilities;

20 “(6) to establish a forum for settlement of fu-
21 ture disputes;

22 “(7) to place the boundary in a location which
23 can be identified or located; and

24 “(8) to express the intent and policy of the
25 states that the common boundary be established

1 within the confines of the Missouri River and both
2 states shall continue to have access to and use of the
3 waters of the river.

4 “ARTICLE II

5 “ESTABLISHMENT OF BOUNDARY

6 “The permanent compromise boundary line between
7 the states of Missouri and Nebraska shall be fixed at the
8 center line of the main channel of the Missouri River as
9 of the effective date of the compact, except for that land
10 known as McKissick’s Island as determined by the Su-
11 preme Court of the United States to be within the state
12 of Nebraska in the case of Missouri v. Nebraska, 196 U.S.
13 23, and 197 U.S. 577, all of which is identified on maps
14 jointly prepared and certified by the state surveyors of
15 Missouri and Nebraska and identified as the ‘Missouri-Ne-
16 braska Boundary Compact Maps’, incorporated in this act
17 and made a part of this act by reference, and which maps
18 shall be filed with the secretaries of state of Missouri and
19 Nebraska. This center line of the main channel of the Mis-
20 souri River between the states is also described in this act
21 by metes and bounds on the ‘Missouri-Nebraska Boundary
22 Compact Maps’ incorporated in this act by reference and
23 made a part of this act. This center line of the main chan-
24 nel of the Missouri River as described on such maps shall
25 be referred to as the ‘compromise boundary’.

1 “ARTICLE III

2 “RELINQUISHMENT OF SOVEREIGNTY

3 “The state of Missouri hereby relinquishes to the
4 state of Nebraska all sovereignty over all lands lying on
5 the Nebraska side of such compromise boundary and the
6 state of Nebraska hereby relinquishes to the state of Mis-
7 souri all sovereignty over all lands lying on the Missouri
8 side of such compromise boundary except for that land
9 known as McKissick’s Island which is identified on the
10 ‘Missouri-Nebraska Boundary Compact Maps’ incor-
11 porated in this act by reference and made a part of this
12 act.

13 “ARTICLE IV

14 “PENDING LITIGATION

15 “Nothing in the act shall be deemed or construed to
16 affect any litigation pending in the courts of either of the
17 states of Missouri or Nebraska as of the effective date of
18 the compact concerning the title to any of the lands, sov-
19 ereignty over which is relinquished by the state of Missouri
20 to the state of Nebraska or by the state of Nebraska to
21 the state of Missouri and any matter concerning the title
22 to lands, sovereignty over which is relinquished by either
23 state to the other, may be continued in the courts of the
24 state where pending until the final determination thereof.

1 “ARTICLE V

2 “PUBLIC RECORDS

3 “(a) The public record of real estate titles, mortgages
4 and other liens in the state of Missouri to any lands, the
5 sovereignty over which is relinquished by the state of Mis-
6 souri to the state of Nebraska, shall be accepted as evi-
7 dence of record title to such lands, to and including the
8 effective date of such relinquishment by the state of Mis-
9 souri, by the courts of the state of Nebraska.

10 “(b) The public record of real estate titles, mortgages
11 and other liens in the state of Nebraska to any lands, the
12 sovereignty over which is relinquished by the state of Ne-
13 braska to the state of Missouri, shall be accepted as evi-
14 dence of record title to such lands, to and including the
15 effective date of such relinquishment by the state of Ne-
16 braska, by the courts of the state of Missouri.

17 “(c) As to lands, the sovereignty over which is relin-
18 quished, the recording officials of the counties of each
19 state shall accept for filing documents of title using legal
20 descriptions derived from the land descriptions of the
21 other state. The acceptance of such documents for filing
22 shall have no bearing upon the legal effect or sufficiency
23 thereof.

1 “ARTICLE VI

2 “TAXES

3 “(a) Taxes lawfully imposed by either Missouri or Ne-
4 braska may be levied and collected by such state or its
5 authorized governmental subdivisions and agencies on
6 land, jurisdiction over which is relinquished by the taxing
7 state to the other, and any liens or other rights accrued
8 or accruing, including the right of collection, shall be fully
9 recognized and the county treasurers of the counties or
10 other taxing authorities affected shall act as agents in car-
11 rying out the provisions of this article; provided, that all
12 liens or other rights arising out of the imposition of taxes,
13 accrued or accruing, shall be claimed or asserted within
14 five years after the compact becomes effective and if not
15 so claimed or asserted shall be forever barred.

16 “(b) The lands, sovereignty over which is relinquished
17 by the state of Missouri to the state of Nebraska, shall
18 not thereafter be subject to the imposition of taxes in the
19 state of Missouri from and after the effective date of the
20 compact. The lands, sovereignty over which is relinquished
21 by the state of Nebraska to the state of Missouri, shall
22 not thereafter be subject to the imposition of taxes in the
23 state of Nebraska from and after the effective date of the
24 compact.

1 “ARTICLE VII

2 “PRIVATE RIGHTS

3 “(a) The compact shall not deprive any riparian
4 owner of such riparian owner’s rights based upon riparian
5 law and the establishment of the compromise boundary be-
6 tween the states shall not in any way be deemed to change
7 or affect the boundary line of riparian owners along the
8 Missouri River as between such owners. The establishment
9 of the compromise boundary shall not operate to limit such
10 riparian owner’s rights to accretions across such com-
11 promise boundary.

12 “(b) No private individual or entity claims of title to
13 lands along the Missouri River, over which sovereignty is
14 relinquished by the compact, shall be prejudiced by the
15 relinquishment of such sovereignty and any claims or
16 possessory rights necessary to establish adverse possession
17 shall not be terminated or limited by the fact that the ju-
18 risdiction over such lands may have been transferred by
19 the compact. Neither state will assert any claim of title
20 to abandoned beds of the Missouri River, lands along the
21 Missouri River, or the bed of the Missouri River based
22 upon any doctrine of state ownership of the beds or aban-
23 doned beds of navigable waters, as against any land own-
24 ers or claimants claiming interest in real estate arising
25 out of titles, muniments of title, or exercises of jurisdiction

1 of or from the other state, which titles or muniments of
 2 title commenced prior to the effective date of this compact.

3 “ARTICLE VIII

4 “READJUSTMENT OF BOUNDARY BY NEGOTIATION

5 “If at any time after the effective date of the compact
 6 the Missouri River shall move or be moved by natural
 7 means or otherwise so that the flow thereof at any point
 8 along the course forming the boundary between the states
 9 occurs entirely within one of the states, each state at the
 10 request of the other, agrees to enter into and conduct ne-
 11 gotiations in good faith for the purpose of readjusting the
 12 boundary at the place or places where such movement oc-
 13 curred consistent with the intent, policy and purpose here-
 14 of that the boundary will be placed within the Missouri
 15 River.

16 “ARTICLE IX

17 “EFFECTIVE DATE

18 “(a) The compact shall become effective on the first
 19 day of January of the year after it is ratified by the gen-
 20 eral assembly of the state of Missouri and the legislature
 21 of the state of Nebraska and approved by the Congress
 22 of the United States.

23 “(b) As of the effective date of the compact, the state
 24 of Missouri and the state of Nebraska shall relinquish sov-
 25 ereignty over the lands described in the compact and shall

1 assume and accept sovereignty over such lands ceded to
2 them as provided in the compact.

3 “(c) In the event the compact is not approved by the
4 general assembly of the state of Missouri and the legisla-
5 ture of the state of Nebraska on or before October 1,
6 1999, and approved by the Congress of the United States
7 within three years from the date of such approval, the
8 compact shall be inoperative and for all purposes shall be
9 void.

10 “ARTICLE X

11 “ENFORCEMENT

12 “Nothing in the compact shall be construed to limit
13 or prevent either state from instituting or maintaining any
14 action or proceeding, legal or equitable, in any court hav-
15 ing jurisdiction, for the protection of any right under the
16 compact or the enforcement of any of its provisions.

17 “ARTICLE XI

18 “AMENDMENTS

19 “The compact shall remain in full force and effect
20 unless amended in the same manner as that by which it
21 was created.”.

22 **SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.**

23 The right to alter, amend, or repeal this joint resolu-
24 tion is hereby expressly reserved. The consent granted by
25 this joint resolution shall not be construed as impairing
26 or in any manner affecting any right or jurisdiction of the

1 United States in and over the region which forms the sub-
2 ject of the compact.

3 **SEC. 3. CONSTRUCTION AND SEVERABILITY.**

4 It is intended that the provisions of this compact shall
5 be reasonably and liberally construed to effectuate the
6 purposes thereof. If any part or application of this com-
7 pact, or legislation enabling the compact, is held invalid,
8 the remainder of the compact or its application to other
9 situations or persons shall not be affected.

10 **SEC. 4. INCONSISTENCY OF LANGUAGE.**

11 The validity of this compact shall not be affected by
12 any insubstantial differences in its form or language as
13 adopted by the two States.

Passed the House of Representatives September 21,
1999.

Attest:

JEFF TRANDAH, *Clerk.*